

such dockets shall have been made up the Commissioners shall certify the same under his hand and seal to the Judge of the Circuit Court, and it shall be the duty of the said Judge to examine such renewed docket or dockets as the case may be, and if found correct, to adapt the same as the docket of the court, and the said Judge shall signify such adoption by a certificate in writing upon each of such dockets, and such renewed dockets shall be as valid and effectual in law as the original dockets would have been had they not been destroyed or in any way injured by fire.

Refiled paper
to have vali-
dity.

Sec. 11. *And be it enacted*, That when any cause of action or trial paper in any case, whether pending or settled, at law or in equity, may have been wholly or partially destroyed by fire, the said Commissioner is hereby authorized to cause the same to be restored or re-established by consent of parties, if so proposed, or by such evidence as may be supplied from the remains of burnt papers or dockets or other papers in the office, and if such evidence shall be sufficient in his judgment, he shall refile such paper or papers and cause the proper docket entry or entries to be made thereof, and such refiled paper and docket entry shall have the same validity and effect, as if the original paper had not been destroyed or injured by fire, and in case any cause of action or trial paper cannot be sufficiently established in the manner herein above prescribed, it shall be the duty of the said Commissioner to hear extrinsic evidence touching the re-establishment of such paper, and if satisfied upon such evidence that such paper is fully re-established, refile such paper, and make the corresponding docket entries thereto, in conformity to the order passed in the premises, and such refiled paper and docket entries thereof shall have the same validity and force in law or equity as if the original thereof had not been destroyed or injured by fire; *provided, however*, that in all proceedings for the restoration of causes of action or trial papers, which cannot be established to the satisfaction of the said Commissioner from the intrinsic evidence within the office of the said Clerk or from certified office copies, or by consent of parties, no *ex-parte* action shall be had by the said Commissioner until after such notice shall have been served upon the opposite party, or his or their counsel or

Proviso.